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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,066	06/21/2000	Xin Xue	SONY-50N3535	6280

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EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,066

Applicant(s)

XUE, XIN

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-25 is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments filed 2/22/05 have been fully considered but they are not persuasive.

{A} In re page 9-11, applicant states, "Endsley does not teach including sequential values, as recited".

In response see rejection below with the detailed explanation of the newly recited limitation with respect to claims 1, 7 and 12 and the dependence thereof.

Basically, since the claims only recite using sequential values, the examiner request applicant to comment on why does "the last received non-corrupted frame does not read directly on being a sequential frame, with respect to the previous of that frame, wherein the repeated is a sequential frame with respect to its previous and its header data, either updated or not, with respect to the dropped or corrupted one???

{B} In re page 11-12, applicant states, " ... does not teach IEEE 1394 ... Applicant respectfully asserts it would not been obvious to the IEEE 1394 communication bus as claimed in claims 3 & 13".

To the examiner and those deemed those skilled in the art, the 1394 and USB are both effectively universal serial buses, by virtue of being versatile, which are viable and available to those skill in the art to take advantage of when transferring digital data of any type from one point to another, also having hot plug and play, as USB also, besides others.

{C} In re page 12, applicant states, "Endsley does not teach separating video information from other information ... analyzing to determine if the information properly follows."

In response, col. 9, indicates that the SYNC word associated with the Frame HEADER data, indicates which image the data is from or the header data of video frames, therefore, the

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header is extracted, analyzed to determine the which image from the data is from.

If the header was not separated, how did Endsley determine the frame, further how did he determine that the next frame was received, wherein the current was not completely received???

{COL. 9 and Table 4}

The headers are separated from the video, analyzed to determine which image frame the data is from by analyzing the header data in some sort of comparison circuit, wherein the video, the separation and analysis of the header is met and deemed to be an inherent requirement, as those skilled in the art understand.

{D} In re page 14, applicant states, "Kobayashi does not teach video information is arranged in DIF blocks included in a video frame."

In response, in accord to col. 8, "DIF blocks as a basic unit 150 DIF blocks form one DIF sequence and 10 DIF sequences form one frame of image and voice data." & "6 DIF blocks for one isochronous packet data and 250 packet data are transmitted to complete the transmission of one frame of image data", therefore, the examiner fails to agree.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based

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upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

The examiner does not have any reasons to object or allow any claims based on the arguments presented, the Primary examiner invites applicant to call and discuss the issues in this case, to allow for a later compact prosecution.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Endsley et al. (US 6,005,613).

The examiner incorporates by reference the last detailed action against the claims.

The claims have been amended to further recite associated with

a processor for patching missing video information, wherein the patching missing video information, "including sequential values based upon video frame information", deemed met by the art applied, wherein the previous frame is a sequential video frame with information for the video and since digital, as

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those skilled in the art realize, has digital identification information, deemed there without any other reference to Endsley.

Endsley at col. 9, Table 4 is this ID data, referencing a digital data structure used to identify the video with respect to the recited, "video frame information", patches the actual video and video frame information, even from the previous, which directly reads on the newly recited claim language, wherein the Frame Header Config. and Status Information in the table is used being the frame data structure or header data, wherein the Sync Word is used to indicate which image frame the data is from, wherein each image is transferred using numerous data packets, wherein if a data packet from the next frame is received ... before all of the data from the current is received, therefore a detection of dropped data of a current is detected, by acknowledging that, at least one of the packets for the current frame has been dropped or not received, the old frame will be repeated including the Header Data, since in digital form, therefore meeting the limitation of patching missing video information including sequential values of, being,

O when the previously received is duplicated being a sequential video frame and ID data, the previous frame is sequential to the frame before, used to patch the missing frame, is met by Endsley.

The examiner does understand what applicant is trying to claim but the claims are too broad to give the interpretation, please amend to positively claim, that the next expected sequential value is determined and editing or used as the video frame information for the video frame being patched, based on the previous or predicted, frame information, because the previous frame read on sequential values with respect to the frame before the frame repeated or duplicated.

It is further noted that Endsley, does acknowledge sequential images using a sync words for each frame being ID data, which indicates which image frame the data is from, therefore the sync does ID sequential frames. Further it is not clear if using the same video frame information on the receiving end, without updating would either be handles ideally, duplication of a frame, rendering the received with

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same ID, or ignored for receiving the same frame number or sync word, this issue is not clear from Endsley.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 1-8, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endsley et al. (US 6,005,613), as applied above.

The examiner incorporates by reference the last detailed action against the claims.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Endsley et al. (US 6,005,613), as applied above, in view of Kobayashi et al. (US 6,144,411).

The examiner incorporates by reference the last detailed action against the claims.

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6. Claims 10-11 and 15-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Endsley et al. (US 6,005,613) and Kobayashi et al. (US 6,144,411), as applied above, and further in view of in view of Wilkinson (US 4,626,912).

The examiner incorporates by reference the last detailed action against the claims.

Allowable Subject Matter

2. Claims 21-25 are allowed.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Fax Information

Any response to this action should be faxed to:

(703) 872-9306, (for communication intended for entry)


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Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent

6/11/05


VINCENT BOCCIO
PRIMARY EXAMINER